

PETER C. HARVEY
ATTORNEY GENERAL OF NEW JERSEY

Division of Law - 5th floor
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By: Carol G. Jacobson
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FILED

MAY 14 2004

Division of Consumer Affairs

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS

**IN THE MATTER OF AN INVESTIGATION
BY THE NEW JERSEY DIVISION OF
CONSUMER AFFAIRS**

of

Rob's Custom Woodworking, LLC

Administrative Action

CONSENT ORDER

This matter having been opened by the Division of Consumer Affairs, Office of Consumer Protection (hereinafter referred to as "Consumer Affairs" or "Division"), as an investigation in order to ascertain whether violations of the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-1 et seq. (hereinafter referred to as "CFA" or the "Act"), and the Home Improvement Regulations, N.J.A.C. 13:45A-16.1 et seq. (hereinafter "Home Improvement Regulations"), have been or are being committed by Rob's Custom Woodworking, LLC (hereinafter referred to as the "Respondent") and it appearing that the parties have reached an amicable agreement thereby resolving the issues in controversy and concluding this matter

without the need for further action, and Respondent having voluntarily cooperated and consented to the entry of the within order without having admitted any fact or violation of the law, and for good cause shown,

IT IS on this 14 day of May, 2004 ORDERED and AGREED as follows:

BUSINESS PRACTICES

1. Respondent, its principals, officers, agents, representatives, employees and assigns shall not engage in any unfair or deceptive acts or practices in the conduct of their business in the State of New Jersey and shall comply with such state laws, rules and regulations as now constituted or as may hereafter be amended, including but not limited to, the CFA and the Home Improvement Regulations, in connection with the contracting and completion of home improvement projects.

2. Respondent shall cease and desist from engaging in the following:

- a. Failing to include the dates and or time periods on or within which the work is to begin and be completed.
- b. Failing to provide products in accordance with the contract.
- c. Failing to provide refunds in a timely manner for services and/or products not provided.

3. Specifically, Respondent shall comply with the following business practices:

- a. Include the dates and/or time periods on or within which the work is to begin and be completed on all home improvement contracts for a transaction in excess of \$200.00.

- b. Provide products for which the consumer has paid in accordance with the contract.
- c. Provide refunds in a timely manner for work not completed.

EXISTING CONSUMER COMPLAINTS

4. Restitution in the amount of \$8,861.25 shall be paid to Consumers

Susan DeRosa in accordance with the terms of the agreement entered into by Mr. and Mrs.

DeRosa and Robert and Karen Rasmussen on December 16, 2003, a copy of which has been provided to the Division of Consumer Affairs.

PAYMENT TO THE STATE

5. Respondent shall pay the Division of Consumer Affairs the sum of \$3,500.00 as a civil penalty pursuant to N.J.S.A. 56:8-13 and \$464.39 as reimbursement for the Division's costs pursuant to N.J.S.A. 56:8-11. The aforestated amounts, totaling \$3,964.39, will be paid in eleven monthly installments of three hundred thirty dollars and thirty six cents (\$330.36) and one final payment of three hundred thirty dollars and forty three cents (\$330.43). Each payment shall be due on the first day of the month beginning on May 1, 2004. Subsequent payments shall be due on or before the first day of the month each month thereafter until the last of such payments is made on or before April 1, 2004.

6. The aforestated payments for penalties and costs shall be made by certified check, attorney trust account check or other guaranteed funds made payable to the "New Jersey Division of Consumer Affairs" and shall be delivered to the following address:

Attention: Case Management Tracking
New Jersey Department of Law and Public Safety
Division of Consumer Affairs
124 Halsey Street
P.O. Box 45025
Newark, New Jersey 07101

7. Failure by Respondent to make any of the payments required in the time prescribed by this Consent Order shall constitute a breach of this Consent Order. In the event of such breach, the Division may seek a Superior Court Order compelling compliance and seeking additional penalties and costs or take whatever action it deems necessary and appropriate under the circumstances.

GENERAL PROVISIONS

8. Nothing contained in this Consent Order shall be construed to limit or affect the rights of any persons or entities who are not parties to this Consent Order with respect to any of the matters contained herein.

9. Nothing contained herein shall in any manner or fashion be construed to limit or affect any position that the parties may take in any future or pending action not specifically encompassed herein.

10. This Consent Order resolves all claims and causes of action against Respondent for violations of the CFA and the regulations promulgated pursuant thereto, which were known by the Division's Office of Consumer Protection through January 21, 2004.

11. The parties represent that an authorized representative of each has signed this Consent Order with full knowledge, understanding and acceptance of its terms and that this person has done so with the authority to legally bind the respective parties.

12. This Consent Order constitutes the entire agreement between the parties hereto

and shall bind the parties hereto and their representatives, officers, directors, agents, employees, successors and assigns.

13. Respondent shall not represent or imply that any advertising procedure or other act or practice hereinafter used or engaged in by Respondent has been required or approved, in whole or part, by the Attorney General or the Division of Consumer Affairs or any of the State's agencies or agents.

14. The parties acknowledge that for purposes of enforcement of this Consent Order, New Jersey law shall govern the terms and provisions herein.

15. This Consent Order constitutes a final agency action and shall be effective upon filing.

PETER C. HARVEY
ATTORNEY GENERAL OF NEW JERSEY

BY: 
Reni Erdos, Director New Jersey
Division of Consumer Affairs

DATED: 5/14/04

The undersigned has read this Consent Order, understands it, and agrees to be bound by its terms.

Consent is hereby given as to the form and entry of this Order.

Rob's Custom Woodworking, LLC
Respondent

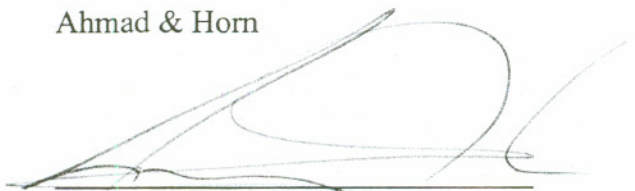
BY: 

DATED: 4/12/04

TITLE: President

Consent as to the form and entry of this Order.

Ahmad & Horn

A handwritten signature in dark ink, appearing to read 'J. M. Horn', is written over a horizontal line.

DATED: 4/12/04

Joseph M. Horn, Esq.

Attorney for Respondent